

### **REMARKS**

Claims 1-29 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following comments and amendments.

#### ***I. AMENDMENTS TO THE DRAWINGS***

The drawings are objected because the word "Decoder" is misspelled as "Decorder" in items (651) and (653) of Figure 16. Applicants submit a corrected drawing sheet in compliance with 37 CFR 1.121(d) herewith, correcting the misspelling. Withdrawal of the objection to the drawings is respectfully requested.

#### ***II. REJECTION OF CLAIMS 1-29 UNDER 35 USC § 101***

Claims 1-29 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. Specifically, the Examiner states that independent claims 1, 20, 23-26, and 29 are drawn to functional descriptive material recorded on an information recording medium, which would normally be statutory.

However, the Examiner states that the claimed computer readable medium as defined in the context of the specification may incorporate non-statutory subject matter. In support of this contention, the Examiner points to the example provided at page 24, lines 23-24 of the specification in which the information recording medium is described as an optical disc, and the Examiner states that because of the use of the term "for example," the term "information recording medium" may be interpreted as comprising non-statutory subject matter.

Applicants respectively traverse the rejection under 35 USC §101 for the following reasons.

**i. The term "information recording medium" as used in the context of the specification is sufficiently limiting so as to exclude non-statutory subject matter**

Applicants respectfully submit that, when read in the context of the specification of the present application, the term "information recording medium" is limited to statutory subject matter.

The specification of the present application is simply void of any teaching or suggestion that the term "information recording medium" may be interpreted to include non-statutory subject matter, such as a signal. Instead, the term "information recording medium" is used in the specification as a broader term to incorporate multiple types of statutory recording media. For instance, as described at page 49, lines 15-18 of the specification, an "information recording medium" may also be a semiconductor memory. Hence, the exemplary language referred to at page 24, lines 23-24 of the specification is used to illustrate that an "information recording medium" may include other types of statutory subject matter (e.g., the semiconductor memory). Dependent claims 18 and 19 of the present invention, directed to an optical medium and semiconductor memory medium, respectively, illustrate this.

Additionally, the background of the specification is couched in terms of statutory information recording mediums, as reference is made to information recording mediums having a sector structure. (see, e.g., page 1, lines 18-19 of the Specification. Applicants note that a signal is referred to in the Office Action as "a form of energy, in the absence of any physical structure or tangible material.")

As such, the term "information recording medium" as contained in the claims of the present invention and the accompanying specification do not incorporate non-statutory subject matter, such as a signal.

Nor do Applicants intend for the term "information recording medium" to incorporate non-statutory subject matter. Applicants hereby state on the record that the term "information recording medium" as included in the claims of the present invention

and accompanying specification is meant to incorporate only statutory subject matter of the likes of physical recording media, such as an optical disc, semiconductor memory, etc. "Information recording medium" as included in the claims of the present invention and accompanying specification is not meant to incorporate non-statutory subject matter such as an electrical signal alone.

Accordingly, withdrawal of the rejection under 35 USC §101 is respectfully requested.

**ii. Independent claims 1, 20, 23, and 24 are directed to statutory subject matter irrespective of whether the term "information recording medium" is limiting so as to exclude non-statutory subject matter**

Aside from the argument set forth above, Applicants further submit that independent claims 1, 20, 23, and 24 would still be directed to patentable subject matter even if the term "information recording medium" did incorporate non-statutory subject matter (i.e., a signal). Each of independent claims 1, 20, 23 and 24 are directed to and define structural features of a statutorily-patentable recording and reproduction apparatus, recording apparatus, editing apparatus, and reproduction apparatus, respectively. Accordingly, the statutory nature of the term "information recording medium" is inconsequential to the statutory nature of independent apparatus claims 1, 20, 23, and 24, and the claims dependent therefrom.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-29 are directed to statutory subject matter. Withdrawal of the rejection under 35 USC §101 is respectfully requested.

**IV. CONCLUSION**

Accordingly, claims 1-29 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate

favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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